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10 Attorneys for Defendants Polo Ralph Lauren
11 Corporation; Polo Retail, LLC; Polo Ralph Lauren Corporation,
doing business in California as Polo Retail Corp.; and Fashions
12 Outlet of America, Inc.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 ANN OTSUKA, an individual; JANIS
KEEFE, an individual; CORINNE PHIPPS,
18 an individual; and JUSTIN KISER, an
individual; and on behalf of all other similarly
19 situated,

20 Plaintiff(s),

21 v.

22 POLO RALPH LAUREN CORPORATION,
a Delaware Corporation; POLO RETAIL,
LLC, a Delaware Corporation; POLO
23 RALPH LAUREN CORPORATION, a
Delaware Corporation, doing business in
24 California as POLO RETAIL CORP;
FASHIONS OUTLET OF AMERICA, INC.,
25 a Delaware Corporation and DOES 1-500,
inclusive,

26 Defendant(s).
27
28

Case No. C07-02780 SI

**DECLARATION OF WILLIAM J. GOINES
IN SUPPORT OF DEFENDANTS'
ADMINISTRATIVE MOTION FOR LEAVE
TO CONTACT CLASS MEMBERS**

Dept.: Courtroom 10, 19th Floor
Judge: Hon. Susan Illston

Trial Date: March 8, 2010

1 I, William J. Goines, declare:

2 1. I am an attorney at law duly licensed to practice in the State of California and before
3 this Court, and am a shareholder of Greenberg Traurig, LLP, attorneys of record for Defendants Polo
4 Ralph Lauren Corporation; Polo Retail, LLC; Polo Ralph Lauren Corporation, doing business in
5 California as Polo Retail Corp.; and Fashions Outlet of America, Inc. (hereafter "Polo" or
6 "Defendants"). I have primary responsibility for the representation of Polo in this matter.

7 2. I have personal knowledge of the matters set forth below except as to those which are
8 stated on information and belief and, as to those, I am informed and believe that they are true. If
9 called as a witness, I could and would competently testify to the following facts in a court of law.

10 3. In February, 2010, Polo issued subpoenas to Katy Cantwell, Tim Homan and Robert
11 Lo Monaco to appear at trial. Ms. Cantwell and Messrs. Homan and Lo Monaco previously
12 provided Polo with Declaration as part of Polo's Opposition to Class Certification, while employed
13 by Polo, however, have since left Polo's employ.

14 4. Not all of the subpoenas have yet been served, but at least one class member has
15 already left messages for Polo's counsel indicating his confusion at having received a subpoena and
16 requesting a return phone call explaining what he needs to do.

17 5. The individual called again at a later time and spoke to a member of Polo's counsel's
18 support staff, who instructed him that Polo's counsel was not ethically permitted to speak with him at
19 that time, but that we may have someone from Polo respond to their questions. We have since
20 decided to file this motion rather than have any further contact.

21 6. I spoke with Patrick Kitchin, counsel for Plaintiffs on February 12, 2010 and
22 requested that he stipulate to permit our office to contact the class members named above to discuss
23 the purpose of the subpoenas, their testimony, and coordinate their appearance. Mr. Kitchin refused
24 to stipulate to this limited communication, requiring this administrative motion for leave to contact
25 these three former employees

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1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 12th
2 day of February, 2010.

3
4 /s/ William J. Goines
William J. Goines